

[Mr. P. Govinda Menon] consumption. That is to say, foreign liquor can be possessed without limitation. The possession of country liquor like arrack, toddy, etc., in excess of the limits prescribed by Government under section 13 is an offence. The limits of private possession of foreign liquor is inapplicable to cases contemplated in the second proviso to section 13 and so the possession of any quantity of foreign liquor by a person for his bonafide private consumption will not be an offence. This is an anomalous position. By this amendment, Government gets power to fix the limits for the possession of foreign liquor whether it is for bonafide consumption or not. There is a similar amendment in the Madras Abkari Act. These are the main provisions of the Bill.

Motion put and carried

Secretary to the Assembly: The title of the Bill is "The Cochin Abkari Act (Amendment) Bill."

Mr. P. Govinda Menon (Minister for Finance and Law): I pray that the Standing Order may be suspended.

Mr. President: Yes. The Standing Order 32 is suspended.

Mr. P. Govinda Menon (Minister for Finance and Law): I move that the Bill be taken into consideration.

Mr. E. Ikkanda Warriar (Prime Minister): I second it.

Motion put and carried

Clause 2 put and carried

Clause 1 put and carried

Title and preamble put and carried

Mr. P. Govinda Menon (Minister for Finance and Law): Sir, I move that the Bill be taken up and finally passed to-morrow.

Mr. E. Ikkanda Warriar (Prime Minister): I second it.

Motion put and carried

(ii) The Cochin Vakils Act (Amendment) Bill

Mr. P. Govinda Menon (Minister for Finance and Law): Sir, I move that the Cochin Vakils Act (Amendment) Bill be read in Assembly.

Mr. E. Ikkanda Warriar (Prime Minister): I second it.

Mr. P. Govinda Menon (Minister for Finance and Law): This amendment is only for the purpose of enabling the High Court and fix and regulate the fees payable in respect of the fees due to a vakil as distinguished from an advocate. The Cochin Bar Council's Act empowers the High Court to frame similar rules in respect of Advocates. The Cochin Vakils' Act provides that the High Court with the sanction of the Government may frame such rules. When the High Court is empowered under the Bar Council's Act to frame rules without Government sanction even in respect of advocates, it is only proper that they should be so empowered in the case of vakils who are entitled to appear only in subordinate courts. Further the Vakils' Act empowers rules to be framed only for the purpose of payment of fees by the adversary to his own vakil. These are the points for which the amendment Bill is being introduced.

Motion put and carried

Secretary to the Assembly: The title of the Bill is "The Cochin Vakils' Act (Amendment) Bill".

Mr. P. Govinda Menon (Minister for Finance and Law): Sir, I move that the Standing Order 32 be suspended.

Mr. President: Standing Order 32 is suspended.

Mr. P. Govinda Menon (Minister for Finance and Law): I move that the Bill be taken into consideration.

Mr. E. Ikkanda Warriar (Prime Minister): I second it.

Motion put and carried

Clause 2 put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. P. Govinda Menon (Minister for Finance and Law): Sir, I move that the Bill be taken up and finally passed tomorrow.

Mr. E. Ikkanda Warriar (Prime Minister): I second it.

Motion put and carried

(iii) The Cochin Tea Cultivation Restriction Act (Amendment) Bill

Mr. P. Govinda Menon (Minister for Finance and Law): Sir, I move that the Cochin Tea cultivation Restriction Act (Amendment) Bill be read in Assembly.

**DISSENTING NOTE ON THE REPORT OF THE SELECT
COMMITTEE FOR THE SALESTAX ACT (AMENDMENT)
BILL BY MR. ITTIERA AMBOOKEN.**

I regret to note the following facts regarding the reintroduction of Coir, Coir-yarns and betelnuts in the list of taxable articles.

Coir industry is one of Cochin's prominent cottage industries, and whatever tax introduced on this article will directly affect the labourer. The price of coir is generally fixed, and it varies to a good extent on the kind and quality. The raw material (cocoanut kernels) is not at all a very costly thing and about 75 per cent of the price of coir is for the labour charges, namely, converting kernels into yarn and yarn into coir. So, a sales-tax introduced on coir and coir yarn is practically a cut in the top-bottom wages of the thousands of poor labourers in the coastal regions.

In the case of betelnuts also, the sales-tax proposed will affect the lower middle-class cultivators, who are in no way better than labourers. Betelnut farming is not at all a source of income during these days. Whatever price fetched for betelnuts directly goes for labour. In Cochin 90 per cent of the betelnut trees have to be watered from Vrischigam to Medam (practically half of the year). A cultivator who keeps an account can find that whatever he gets from the trees' yield is only a poor remuneration for his labour. So any tax levied on this item also directly affects the poor peasants of our country.

Therefore, I earnestly hope that the House would be pleased to stand by mercy, and justice towards the poor peasants and labourers, agreeing to have the abovesaid articles excluded from the list of taxable items.

Ernakulam,
13th December 1948 }

(Signed)
ITTIERA AMBOOKEN,
(Member for Mala)

**APPENDIX V
THE COCHIN ABKARI ACT (AMENDMENT) BILL**

WHEREAS it is expedient to further amend the Cochin Abkari Act, I of 1077; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Cochin Abkari (Amendment) Act, of 112.
2. *Amendment of section 13 of the Cochin Abkari Act, I of 1077.*—In clause (2) of the proviso to section 13 of the Cochin Abkari Act, I of 1077, the words "or of any person for his bona fide private consumption and not for sale" shall be omitted.

Statement of Objects and Reasons

Section 13 of the Cochin Abkari Act, I of 1077, prohibits any person not being a licensed manufacturer or vendor, from possessing liquor or intoxicating drugs in excess of the quantities prescribed by Government without a license obtained from the Commissioner of Excise in this behalf. Clause (2) of the proviso to section 13, however, makes the section inapplicable to foreign liquor in the possession of any person for his bona fide private consumption. The possession of country liquor like arrack toddy, etc., in excess of the limits prescribed by Government under section 13 is an offence. Even though the limits of private possession of foreign liquor also have been fixed by Government by means of a notification, this is inapplicable to cases contemplated in the second proviso to section 13, and so the possession of any quantity of foreign liquor by a person for his bona fide private consumption will not be an offence. This is an anomalous position. Government should therefore have power to fix the limits for the possession of foreign liquor, whether it is possessed for bona fide private consumption or not. The Bill is intended to achieve this object by suitably amending clause (2) of the proviso to section 13 of the Abkari Act.

**APPENDIX VI
THE COCHIN VAKILS ACT (AMENDMENT) BILL**

Preamble.—WHEREAS it is expedient to amend the Cochin Vakils Act, VI of 1095; It is hereby enacted as follows:—

1. (1) This Act may be called the Cochin Vakils (Amendment) Act of 112.
- (2) It shall come into force at once.
2. *Amendment of section 10.*—For section 10 of the Cochin Vakils Act, VI 1095, the following shall be substituted:—

"10. *Power of High Court to regulate Vakils' fee.*—The High Court shall from time to time fix and regulate the fees payable by any party in respect of the fees of a Vakil upon all proceedings in the Courts subordinate to the High Court.

Statement of Objects and Reasons

Section 10 of the Vakils Act authorises only the making of rules in respect of fees payable by a party in respect of the fee of the vakil of his adversary and does not authorise the framing of rules for payment of fees payable by a party to his own vakil. In the Dominion of India there is a separate enactment dealing with this subject in which provision has been made for regulating the payment of fees to the Legal Practitioners employed by him. A provision analogous to this has been included in the Cochin Bar Councils Act, but this provision applies only to advocates and not to vakils. It is deemed necessary to empower the High Court to frame rules for the purpose just as they are empowered in the case of advocates. Hence the Bill.

APPENDIX VII

**THE COCHIN TEA CULTIVATION RESTRICTION ACT
(AMENDMENT) BILL**

Preamble.—WHEREAS it is expedient further to amend the Cochin Tea Cultivation Restriction Act, V of 1110, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title and commencement.* (1) This Act may be called the Cochin Cultivation Restriction (Amendment) Act, of 112.

(2) It shall be deemed to have come into force with effect from the 1st day of April 1948.

2. In section 3 of the Cochin Tea Cultivation Restriction Act V of 1110, hereinafter referred to as the Act.—

(a) for the figures "1943" the figures "1948" shall be substituted.

(b) for the proviso the following shall be substituted:—

"Provided that this section shall apply to the replacing of tea areas by planting new areas, but nothing in this section shall prohibit.—

(a) the infilling or supplying of vacancies on land planted with tea on or before the 31st day of March, 1948 or the replanting of tea upon—

(i) land planted with tea on or before the 31st day of March 1948, from which the original bushes have been uprooted, or

(ii) land planted with tea on or before the 31st day of March, 1946 from which the original bushes have been uprooted; or

(b) the replacing of tea areas which are worn out on or before the 31st day of March 1948, by planting tea on area not planted with tea to the same extent, but not exceeding five percent, in each year of the total permissible acreage of the tea estate as on or before the 31st day of March 1948, subject to such replacement being accompanied by simultaneous uprooting of the tea bushes in the area so replaced."

3. *Amendment of section 3A.*—In section 3A of the Act:—

(1) in sub-section (1)—

(a) for the words "up to one-half of one per cent" the words "up to four per cent" shall be substituted,

(b) for the figures "1943" the figures "1948" shall be substituted; and

(c) the words beginning with "had the extension" and ending with "by one-half of one per cent" shall be omitted.

(2) in sub-section (2) for the words and figures "before the last day of June 1944" the words and figures "before the last day of March 1949" shall be substituted.

4. *Amendment of section 3B.*—In section 3B of the Act, for the figures "1943" the figures "1948" shall be substituted and for the words and figures "the last day of June 1944" the words and figures "last day of March 1949" shall be substituted.

5. *Amendment of section 3C.*—In sub-section (1) of section 3C of the Act after clause (b) the following shall be inserted namely:—

"or
(c) has since been resumed by the lessor under the terms of any lease and no longer carries tea."

6. *Amendment of section 3D.*—The proviso to sub-section (1) of section 3D of the Act shall be omitted.

7. *Amendment of section 15.*—In sub-section (1) of section 15 of the Act, after the words "cease to be imposed", the words "or if they consider it necessary so to do for any other reason" shall be inserted.